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September 26, 2003

David Saliwanchik

David R. Saliwanchik, Patent Attorney

COMMUNICATION
Patent Application
CHL-T103XC1
Serial No. 09/807,720

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Anne R. Kubelik
Art Unit : 1638
Applicant(s) : Henry Daniell
Serial No. : 09/807,720
Filed : April 18, 2001
Conf. No. : 4039
For : Expression of Antimicrobial Peptide *via* the Plasmid Genome to Control Phytopathogenic Bacteria

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

Sir:

A Petition and Fee for Extension of Time under 37 CFR 1.136(a) accompanies this communication. A continuation application was filed claiming priority from the above-referenced application on September 25, 2003. A Petition and Fee for Extension of Time was inadvertently not submitted at that time. Accordingly, this Petition and Extension of Time is being provided at this time to avoid processing delays in the continuation application that was filed on September 25, 2003.

37 CFR 1.136(a)(3) provides that

- (B) an authorization to charge all required fees, fees under 37 CFR 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under 37 CFR 1.136(a).

Such an authorization had been submitted in the subject application (copy attached).

Respectfully submitted,



David R. Saliwanchik
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Suite A-1
Gainesville, FL 32606

DRS/la

Attachments: Petition and Fee for Extension of Time under 37 CFR 1.136(a); and copy of Petition and Fee for Extension of Time filed previously in the subject application.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



22469

PATENT TRADEMARK OFFICE

Unit : 1638
Examiner : A. R. Kubelik
Serial No. : 09/807,720
Filed : April 18, 2001
Inventor : Henry Daniell
Title : EXPRESSION OF AN
: ANTIMICROBIAL PEPTIDE
: VIA THE PLASTID
: GENOME TO CONTROL
: PHYTOPATHOGENIC BACTERIA

Docket: 1462-PCT-US-00

Confirmation No.: 4039

Dated: January 6, 2003

COMMISSIONER FOR PATENTS

Washington, DC 20231

Sir:

COPY

Transmitted herewith is an Amendment in the above-identified application.

☒ Small entity status of this application under 37 CFR §1.9 and §1.27 has been established by a verified statement previously submitted.

☐ A verified statement to establish small entity status under 37 CFR §1.9 and §1.27 is enclosed.

☒ No additional fee is required.

The fee has been calculated as shown below:

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(Col. 1)

(Col. 2) (Col. 3)

SMALL ENTITY

OTHER THAN
SMALL ENTITY

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PRE- VIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	66	-	** 68 =	0
INDEP.	1	-	*** 4 =	0
First presentation of multiple dependent claim				

	ADD'L FEE
RATE	
x 9=	\$ 0.0
x42=	\$0.0
+140=	\$0.0

OR

	ADD'L FEE
RATE	
x18=	\$
x84=	\$
+280=	\$

TOTAL ADDITIONAL FEE \$0.00 OR \$0.00

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

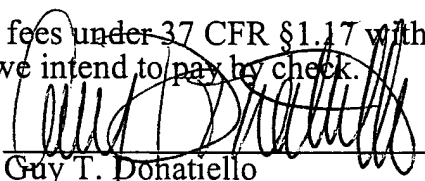
☐ Please charge my Deposit Account No. 13-3405 in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$. 00 is attached.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 13-3405. A duplicate copy of this sheet is enclosed.

☒ Any filing fees under 37 CFR §1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 CFR §1.17 with the exception of the Issue Fee which we intend to pay by check.



Guy T. Donatiello
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